



THREE GATEWAY CENTER
100 Mulberry Street, 15th Floor
Newark, NJ 07102
T: 973.757.1100
F: 973.757.1090
WALSH.LAW

Liza M. Walsh
Direct Dial: (973) 757-1101
lwalsh@walsh.law

July 22, 2022

VIA ECF

Honorable Evelyn Padin, U.S.D.J.
United States District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Gesture Technology Partners, LLC v. LG Electronics Inc. et al.*
Civil Action No: 21-cv-19234-EP-MAH

Dear Judge Padin:

This firm, together with DLA Piper LLC, represents Defendants LG Electronics, Inc. and LG Electronics USA, Inc. (collectively, "LGE") in the above-referenced matter. We write, together with Plaintiff Gesture Technology Partner, LLC, ("GTP") pursuant to the Court's July 8, 2022 Order requesting a brief summary of this matter along with the status of discovery (ECF No. 53).

This is a patent infringement case whereby GTP has alleged that LGE has infringed U.S. Patent Nos. 8,194,924 (the "'924 patent"), 7,933,431 (the "'431 patent"), 8,878,949 (the "'949 patent"), and 8,553,079 (the "'079 patent"), (collectively, the "Asserted Patents"). The Asserted patents are generally directed techniques for using mobile phone cameras to assist a user to interact with their smartphone. Specifically, on February 4, 2021, GTE filed its Complaint in the United States District Court for the Western District of Texas, Waco Division, alleging that certain of LG's smart phones and tablets infringe the Asserted Patents. See ECF No. 1. On July 2, 2021, LGE filed an Answer to Plaintiff's Complaint, and simultaneously filed a Motion to Transfer this matter to the District of New Jersey. ECF Nos. 23-24. While the Motion to Transfer was pending, the parties engaged in limited venue discovery and exchanged patent disclosures pursuant to the Western District of Texas' Local Patent Rules. Specifically: (1) on July 16, 2021, Plaintiff served its preliminary infringement contentions; (2) on October 1, 2021, LGE only served its preliminary invalidity contentions; and (3) on October 15, 2021, the parties exchanged claim terms for construction. On October 22, 2021, the District Court for the Western District of Texas, transferred this action to the District of New Jersey.

Between May 21, 2021 and June 15, 2021, non-party Apple, Inc. filed a petition for IPR for the Asserted Patents.¹ Between August 30, 2021 and September 15, 2021, GTP filed its

¹See Apple, Inc. v. Gesture Technology Partners, LLC, IPR2021-00922 for '079 Patent (May 18, 2021); Apple, Inc. v. Gesture Technology Partners, LLC, IPR 2021-00920 for '431 Patent (May 21, 2021); Apple, Inc. v. Gesture Technology Partners, LLC, 2021-00923 for '924 Patent (May 26, 2021); Apple, Inc. v. Gesture Technology Partners, LLC, IPR 2021-00921 for '949 Patent (June 2, 2021).

Honorable Evelyn Padin, U.S.D.J.

July 22, 2022

Page 2

preliminary responses to the Apple IPRs. On November 5, 2021, LGE filed joinders in the Apple IPRs.² LG's IPR petitions challenge each and every asserted claim of the Asserted Patents in this litigation. On March 17, 2022, the PTAB instituted IPR proceedings on all the asserted claims of the '924, '079, and '431 patents. On May 9, 2022, the PTAB instituted IPR proceedings on all the asserted claims of the '949 patent.

While the IPR proceedings were pending and before discovery in this District commenced, on November 24, 2021, LGE filed a Motion to Stay Discovery pending the outcome of the IPRs. (ECF No. 39). GTP opposed that motion. (ECF No. 46). On April 4, 2022, the Court granted LGE's motion and stayed this matter pending the outcome of the IPR proceedings. (ECF No. 50). The Court instructed the parties to submit a joint status report and proposed amended scheduling order within 14 days of the resolution of the IPR proceedings. The parties expect the IPR proceedings to conclude by year end. The parties believe that the Stay should remain in effect until the resolution of the IPR proceedings.

At this time, there are no outstanding motions or discovery issues on which to report to the Court given the matter is stayed. LGE respectfully submits that any settlement discussions would be appropriate only after the IPR proceedings conclude.

We thank the Court for its attention to this matter and are available should Your Honor or Your Honor's staff have any questions.

Respectfully submitted,

s/Liza M. Walsh

Liza M. Walsh

cc: Counsel of Record (via ECF and Email)

² See LG Electronics Inc. et al. v. Gesture Technology Partners, LLC, IPR Nos. 2022-00090 for '079 Patent; 2022-00091 for '431 Patent; 2022-00093 for '924 Patent; and IPR 2022-00092 for '949 Patent.